



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/231,854

Filing Date: January 14, 1999

Applicant: Michael A. Martinelli

Group Art Unit: 3737

Examiner:

Title: METHOD AND SYSTEM FOR NAVIGATING A
CATHETER PROBE

Attorney Docket: 5074A-000032 REA

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Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. ☒ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

09/02/2004 BABRAHA1 00000033 09231854

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B. ☐ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. ☐ Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. ☐ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. ☒ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ☒ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ☐ See the attached foreign patent office communication from a counterpart foreign application:

2. ☐ English translations are provided:

3. ☒ Other:

Japanese Reference JP 2765738 appears to disclose a catheter that may be positioned relative to a selected site to produce a signal to create a data set.

German Reference DE 3042343 appears to disclose a system operable to receive a signal regarding a point in space.

European Reference EP 0 581 704 has a U.S. equivalent of U.S. Patent No. 5,447,154.

France Reference No. 2417970 has a U.S. equivalent of U.S. Patent No. 4,418,422.

German Reference No. DE 10085137 has a U.S. equivalent of U.S. Patent No. 6,499,488.

An English abstract is provided for Other Document reference No. 12.

An English language abstract is provided for Other Document reference No. 48.

An English language abstract is provided for Other Documents reference No. 53.

Other Documents reference No. 62, by Sautot, entitled "Vissage Pediculaire Assiste Par Ordinateur" appears to disclose a fluoroscopic image guidance and system.

Other Documents reference No. 71 by Watanabe et al., an English translation is provided.

C. ☐ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ☐ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. ☐ **37 C.F.R. § 1.97(b):** (check only one box)

1. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3. ☐ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
4. ☐ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ☒ **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ☒ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
2. ☐ See the certification below. No fee is required.

C. ☐ **37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ☐ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. ☐ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B. ☐ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ☐ some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. 1.704(d)

The undersigned hereby states that:

☐ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VI. PAYMENT OF FEES (check only one box)

A. ☒ A check in the amount of \$180.00 is enclosed for the above identified fee.

B. ☐ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: August 31 2004

By:



Richard W. Warner
Reg. No. 38,043

Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

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FORM HDP-1449 (Based on Form PTO-1449)

ATTORNEY DOCKET No.

SERIAL No.

5074A-000032 REA

09/231,854

PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

APPLICANT

Michael A. Martinelli

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Sheet 1 of 20

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		Re. 35,025	8/1995	Anderton		
2.		Re. 35,816	6/1998	Schulz		
3.		1,576,781	03/1926	Phillips		
4.		1,735,726	11/1929	Bornhardt		
5.		2,407,845	09/1946	Nemeyer		
6.		2,650,588	09/1953	Drew		
7.		2,697,433	12/1954	Sehnder		
8.		3,016,899	01/1962	Stenvall		
9.		3,017,887	01/1962	Heyer		
10.		3,061,936	11/1962	Dobbeleer		
11.		3,073,310	01/1963	Mocarski		
12.		3,294,083	12/1966	Alderson		
13.		3,367,326	02/1968	Frazier		
14.		3,439,256	04/15/1969	Kähne et al.		
15.		3,577,160	05/1971	White		
16.		3,674,014	07/04/1972	Tillander		
17.		3,702,935	11/1972	Carey et al.		
18.		3,704,707	12/1972	Halloran		
19.		3,868,565	02/25/1975	Kuipers		
20.		3,941,127	03/1976	Froning		
21.		4,037,592	07/1977	Kronner		

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U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		4,052,620	10/1977	Brunnett		
23.		4,117,337	09/26/1978	Staats		
24.		4,173,228	11/06/1979	Van Steenwyk et al.		
25.		4,202,349	05/1980	Jones		
26.		4,317,078	02/23/1982	Weed et al.		
27.		4,328,813	05/1982	Ray		
28.		4,339,953	07/20/1982	Iwasaki		
29.		4,358,856	11/09/1982	Stivender et al.		
30.		4,368,536	01/1983	Pfeiler		
31.		4,403,321	09/1983	DiMarco		
32.		4,418,422	11/1983	Richter et al.		
33.		4,422,041	12/20/1983	Lienau		
34.		4,485,815	12/1984	Amplatz		
35.		4,543,959	10/01/1985	Sepponen		
36.		4,548,208	10/22/1985	Niemi		
37.		4,584,577	04/22/1986	Temple		
38.		4,621,628	11/1986	Bludermann		
39.		4,625,718	12/1986	Olerud et al.		
40.		4,642,786	02/10/1987	Hansen		
41.		4,645,343	02/1987	Stockdale et al.		

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Sheet 3 of 20

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
42.		4,651,732	03/24/1987	Frederick		
43.		4,653,509	03/1987	Oloff et al.		
44.		4,673,352	06/1987	Hansen		
45.		4,706,665	11/17/1987	Gouda		
46.		4,719,419	01/12/1988	Dawley		
47.		4,722,056	01/26/1988	Roberts et al.		
48.		4,722,336	02/1988	Kim et al.		
49.		4,727,565	02/23/1988	Ericson		
50.		4,737,921	04/12/1988	Goldwasser et al.		
51.		4,750,487	06/1988	Zanetti		
52.		4,771,787	09/20/1988	Wurster et al.		
53.		4,791,934	12/20/1988	Brunnett		
54.		4,793,355	12/1988	Crum et al.		
55.		4,797,907	01/1989	Anderton		
56.		4,803,976	02/1989	Frigg et al.		
57.		4,821,206	04/11/1989	Arora		
58.		4,821,731	04/18/1989	Martinelli et al.		
59.		4,845,771	07/1989	Wislocki et al.		
60.		4,849,692	07/18/1989	Blood		
61.		4,862,893	09/05/1989	Martinelli		

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U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
62.		4,889,526	12/26/1989	Rauscher et al.		
63.		4,905,698	03/06/1990	Strohl, Jr. et al.		
64.		4,923,459	05/1990	Nambu		
65.		4,931,056	06/1990	Ghajar et al.		
66.		4,945,914	08/1990	Allen		
67.		4,951,653	08/1990	Fry et al.		
68.		5,013,317	05/1991	Cole et al.		
69.		5,027,818	07/02/1991	Bova et al.		
70.		5,030,196	07/09/1991	Inoue		
71.		5,030,222	07/1991	Calandrucchio et al.		
72.		5,031,203	07/1991	Trecha		
73.		5,079,699	01/07/1992	Tuy et al.		
74.		5,094,241	03/10/1992	Allen		
75.		5,097,839	03/24/1992	Allen		
76.		5,107,839	04/28/1992	Houdek et al.		
77.		5,107,843	04/1992	Aarnio, et al.		
78.		5,109,194	04/28/1992	Cantaloube		
79.		5,119,817	06/09/1992	Allen		
80.		5,142,930	09/01/1992	Allen et al.		
81.		5,160,337	11/1992	Cosman		

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**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
82.		5,178,164	01/12/1993	Allen		
83.		5,178,621	01/1993	Cook et al.		
84.		5,186,174	02/1993	Schlondorff et al.		
85.		5,187,475	02/16/1993	Wagener et al.		
86.		5,197,965	03/1993	Cherry et al.		
87.		5,211,165	05/18/1993	Dumoulin et al.		
88.		5,211,176	05/1993	Ishiguro et al.		
89.		5,212,720	05/1993	Landi et al.		
90.		5,219,351	06/1993	Teubner et al.		
91.		5,228,442	07/20/1993	Imran		
92.		5,233,990	08/1993	Barnea		
93.		5,237,996	08/24/1993	Waldman et al.		
94.		5,251,127	10/1993	Raab		
95.		5,265,610	11/30/1993	Darrow et al.		
96.		5,297,549	03/29/1994	Beatty et al.		
97.		5,305,091	04/1994	Gelbart et al.		
98.		5,305,203	04/1994	Raab		
99.		5,320,111	06/1994	Livingston		
100.		5,325,728	07/05/1994	Zimmerman et al.		
101.		5,333,168	07/1994	Fernandes et al.		

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U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
102.		5,353,800	10/11/1994	Pohndorf et al		
103.		5,385,146	01/31/1995	Goldreyer		
104.		5,385,148	01/31/1995	Lesh et al.		
105.		5,394,457	02/1995	Leibinger et al.		
106.		5,397,329	03/1995	Allen		
107.		5,399,146	03/21/1995	Nowacki et al.		
108.		5,400,384	03/1995	Fernandes et al.		
109.		5,426,683	06/1995	O'Farrell, Jr., et al.		
110.		5,426,687	06/1995	Goodall et al.		
111.		5,427,097	06/1995	Depp		
112.		5,433,198	07/18/1995	Desai		
113.		5,444,756	08/1995	Pai et al.		
114.		5,446,548	08/1995	Gerig et al.		
115.		5,447,154	09/05/1995	Cinquin et al.		
116.		5,448,610	09/1995	Yamamoto et al.		
117.		5,464,446	11/1995	Dreessen et al.		
118.		5,478,341	12/1995	Cook et al.		
119.		5,478,343	12/1995	Ritter		
120.		5,485,849	01/23/1996	Panescu et al.		
121.		5,487,391	01/30/1996	Panescu		

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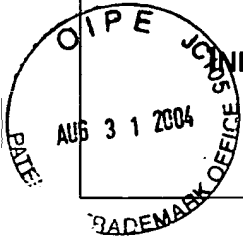
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U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
122.		5,487,757	01/30/1996	Truckai et al.		
123.		5,490,196	02/06/1996	Rudich et al.		
124.		5,494,034	02/27/1996	Schlondorff et al.		
125.		5,503,416	04/1996	Aoki et al.		
126.		5,515,160	05/07/1996	Schulz et al.		
127.		5,531,227	07/02/1996	Schneider		
128.		5,531,520	07/02/1996	Grimson et al.		
129.		5,546,940	08/20/1996	Panescu et al.		
130.		5,546,949	08/20/1996	Frazin et al.		
131.		5,546,951	08/20/1996	Ben-Haim		
132.		5,551,429	09/1996	Fitzpatrick et al.		
133.		5,573,533	11/12/1996	Strul		
134.		5,575,794	11/1996	Walus et al.		
135.		5,583,909	12/1996	Hanover		
136.		5,592,939	01/14/1997	Martinelli		
137.		5,595,193	01/1997	Walus et al.		
138.		5,596,228	01/1997	Anderton et al.		
139.		5,617,462	04/1997	Spratt		
140.		5,619,261	04/1997	Anderton		
141.		5,627,873	05/1997	Hanover et al.		

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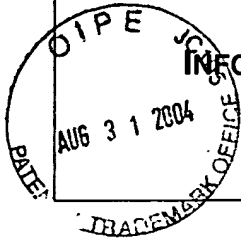
January 14, 1999

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**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
142.		5,628,315	05/13/1997	Vilsmeier et al.		
143.		5,638,819	06/17/1997	Manwaring et al.		
144.		5,642,395	06/1997	Anderton et al.		
145.		5,643,268	07/01/1997	Vilsmeier et al.		
146.		5,664,001	09/1997	Tachibana et al.		
147.		5,674,296	10/07/1997	Bryan et al.		
148.		5,682,886	11/04/1997	Delp et al.		
149.		5,690,108	11/1997	Chakeres		
150.		5,695,501	12/09/1997	Carol et al.		
151.		5,702,406	12/30/1997	Vilsmeier et al.		
152.		5,715,836	02/10/1998	Kliegis et al.		
153.		5,730,130	03/1998	Fitzpatrick et al.		
154.		5,735,278	04/07/1998	Hoult et al.		
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OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

Ref. Desig.	Examiner's Initials	
73.		Germano, "Instrumentation, Technique and Technology", Neurosurgery, Vol. 37, No. 2, August, 1995, pgs. 348-350
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75.		Hatch, et al., "Reference-Display System for the Integration of CT Scanning and the Operating Microscope", Proceedings of the Eleventh Annual Northeast Bioengineering Conference, May, 1985, pgs. 252-254

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